



Phone: (520) 383-2236
Fax: (520) 383-2218

Tohono O'odham Utility Authority
Post Office Box 816
Sells, Arizona 85634

May 21, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Tohono O'odham Utility Authority Reply Comments on Public Notice FCC 15-49—
Request for Further Comment on Issues Related to Competitive Bidding
Proceeding; WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-
11395**

Dear Secretary Dortch,

On behalf of Tohono O'odham Utility Authority ("TOUA") I respectfully submit these Reply Comments in response to Public Notice FCC 15-49. TOUA is an enterprise of the Tohono O'odham Nation ("TO Nation"), a federally recognized Indian tribe of approximately 32,000 members organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476. The TO Nation chartered TOUA to provide electric, water/wastewater, telephone, cellular, propane, and internet services to governmental and residential customers and employers on the Nation's Main and San Xavier reservations. The TO Reservation is the second largest reservation in the United States covering approximately 5,000 square miles in Southwestern Arizona. TOUA is one of nine tribally owned and operated telecommunications carriers in the United States.

High-speed and dependable telecommunications services continue to evade many tribal lands throughout the United States. Consequently, the Federal Communications Commission (FCC) has a very in-depth understanding of the challenges tribes face in deploying or bringing telecommunications services to tribal lands. This has been well documented in the FCC's Docket filings by tribes, tribal organizations, and tribal telecommunications providers. The FCC itself continues to reference these challenges when it initiates a rulemaking that includes specific tribal proposals.

TOUA is filing in support of comments already submitted by Doyon, Limited and Chugach Alaska Corporation, Leech Lake Telecommunications, Native Public Media, and the National Congress of American Indians.¹ The aforementioned commenters highlighted key reasons as to

¹ See Doyon, Limited and Chugach Alaska Corporation, Comments. May 14, 2015 Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031750>. Leech Lake Telecommunications, Comments. May 14, 2015. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031605>. Native Public Media, Comments. May


why the FCC must preserve the small business designated entity program, and the National Congress of American Indians also provided sound justification for preserving the tribal land bidding credit since WT Docket No. 11-40 has remained inactive in the rulemaking process. In order for tribes to break into this highly competitive market, programs like the small business designated entity and the tribal land bidding credit are essential in providing tribes with an opportunity to participate in future auctions.

Additionally, we do not agree with the comments filed by NTCH, Inc., which made blatant assumptions about tribal nations, their citizens, and their financial statuses.² NTCH, Inc.'s recommendation to develop some sort of "means testing" to determine telecommunications need in Indian Country is a disrespectful assumption of the state of telecommunications on tribal lands. The FCC, along with other federal entities, has already acknowledged and documented the telecommunications infrastructure disparities that have persisted on tribal lands for decades. We respectfully urge the FCC to disregard such comments and preserve the tribal land bidding credit and small business designated entity programs for the benefit of future tribal participation.

Furthermore, we would encourage that the FCC take into serious consideration how any modifications to the tribal land bidding credit and/or small business designated entity program may adversely affect tribal opportunities to participate in future spectrum license auction. Given the immensely competitive nature of spectrum auctions and the vast amount of capital needed to participate, the FCC should not hastily modify programs that will further prevent tribal participation.

Tribes already face daunting barriers to obtaining spectrum licenses for commercial mobile wireless services on tribal lands. Therefore, we strongly urge that the FCC not promulgate rules that would further hinder tribes from obtaining such spectrum licenses.

Sincerely,


Mike Bethurem, General Manager
Tohono O'odham Utility Authority

14, 2015. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031662>. National Congress of American Indians, Comments. May 14, 2014. Available at <http://apps.fcc.gov/ecfs/comment/view?id=60001031719>.

² See NTCH, Inc., Comments, WT Docket Nos. 14-170 and 05-211, GN Docket No. 12-268, and RM-11395. "B. No Automatic Bidding Credits for Indians" Pages 4-5. May 13, 2015. Available at <http://apps.fcc.gov/ecfs/document/view?id=60001047246>.